



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 130-2	Subject: REPORT OF VIOLATION FOR MONTANA OFFENDERS SUPERVISED IN OTHER STATE
Reference: 46-23-1115, MCA	Page 1 of 3
Effective Date: 06/01/00	Revision Dates: Revision Dates: 09/04/01; 03/06/04; 03/01/05; 8/01/05; 06/12/06; 08/20/07; 04/22/08
Signature / Title: /s/ Ron Alsbury	

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures to comply with the Interstate Commission Authority.

II. DEFINITIONS:

OOS P&P - Out-of-State Probation & Parole Officer

III. PROCEDURE:

The supervising state is required by the Interstate Commission Authority to promptly notify Montana (MT) of any violation utilizing the *Offender Violation Report*. The supervising state may, by law, detain a MT offender who has committed a crime against the laws in the supervising state and hold a trial on that offense.

PROCEDURE:

1. The offender's status is determined and alleged violations are investigated.
2. The *Offender Violation Report* is forwarded to MT advising the state of violations and pending action to be taken.

If it is determined to return the offender to MT, the *Offender Violation Report* is submitted to OOS Interstate Unit within 30 days of the violation. Any other pertinent documents are forwarded to the OOS Interstate Unit, if the offender is in custody on new charges.

A Probable Cause Hearing is conducted on all violation reports requesting return unless the offender has waived the hearing and admitted to the violations.

One copy of the hearing or waiver of hearing with admission is forwarded to MT Interstate Unit requesting response.

RESPONSIBILITY:

OOS P&P Officer

OOS Interstate Unit

OOS P&P Officer
OOS Hearing
Officer

OOS Interstate Unit

Procedure No.: 130-2	Section 130: Interstate Compact	Page 2 of 3
Subject: REPORT OF VIOLATION FOR MONTANA OFFENDERS SUPERVISED IN OTHER STATE		

- | | |
|--|--------------------|
| MT will respond to the request within 10 business days utilizing the <i>Response to Violation Report</i> . | MT Interstate Unit |
| If there are new charges, copies of the disposition are forwarded to MT Interstate Unit. | OOS P&P Officer |
| 3. If the response is to ask for a Petition to Revoke, then an <i>Offender Violation Report</i> with attached <i>Notice of Violation</i> is forwarded to the sentencing District Office for submission to the district court. If the offender is a parolee, the <i>Offender Violation Report</i> with attached <i>Notice of Violation</i> is filed with the MT Board of Pardons and Parole (BOPP), and if the offender is a conditional release offender, with the MT Department of Corrections (DOC). | MT Interstate Unit |
| 4. Detainer or Compact warrant may be placed by supervising state pending a warrant by MT District Court (on Probationers) or MT Interstate Unit (for MT BOPP) on parolees and for conditional release offenders. | OOS P&P Officer |
| * Pursuant to Section 5.111 of Compact, an interstate offender who has been arrested in any state shall not be admitted to bail while MT is in the process of retaking the offender. | |
| 5. The MT Interstate Unit is kept informed and up to date on the MT sentencing court's decision to revoke (on probationers). | MT P&P Office |
| 6. Consult immediately with the MT BOPP (on parolees) or the Community Corrections Division (CCD) Administrator (on conditional release offenders) to determine what action the BOPP/DOC will take if returning the offender. | MT Interstate Unit |
| * MT District Court, CCD Administrator or the MT BOPP makes final determination whether or not to extradite. | |
| 7. The decision will be forwarded to supervising state advising them of the action that will be taken by MT utilizing the <i>Response to Violation Report</i> . | MT Interstate Unit |
| 8. If the MT offender is not returned, then the receiving state will maintain supervision as directed by MT Authority. | OOS P&P Officer |
| 9. If the probation offender is extradited to MT, the OOS P&P Officer will notify MT of the departure of the offender by completing <i>Notice of Departure</i> . The OOS P&P Officer will complete <i>Case Closure Notice</i> . OOS interstate office closes case. | OOS P&P Officer |
| 10. If the parole offender is extradited to MT, the field file will be mailed to the BOPP. Conditional release offenders will be transported to START | MT Interstate Unit |

Procedure No.: 130-2	Section 130: Interstate Compact	Page 3 of 3
Subject: REPORT OF VIOLATION FOR MONTANA OFFENDERS SUPERVISED IN OTHER STATE		

(males) and Passages ASC (females) where a disciplinary hearing will be held. Files are sent to the respective IPPO's.

11. ACIS Movement, quality control and narrative is entered.

MT Interstate Unit

IV. CLOSING:

Questions concerning this procedure shall be directed to the Regional Administrator or Deputy Compact Administrator.

Forms

Interstate	Case Closure Notice
Interstate	Notice of Departure
Interstate	Notice of Violation (Only used by the Interstate Unit)
Interstate	Offender Violation Report
Interstate	Response to Violation Report